

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF NORTH BRUNSWICK
AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH
MICHAEL POLICASTRO, ESQ.
TO SERVE AS PUBLIC DEFENDER**

WHEREAS, the Township of North Brunswick has a need for a professional to perform the duties as Public Defender for 2016; and

WHEREAS, on October 5, 2015, the Township Council approved resolution 267-10.15 authorizing the solicitation of Requests for Proposals for a professional to serve as Public Defender in the North Brunswick Municipal Court; and

WHEREAS, services were procured in formal manner under N.J.S.A. 40A:11-4.1a et seq. under both a fair and open and competitive process to assure that each person and/or firm is provided an equal opportunity to submit a proposal; and

WHEREAS, the Purchasing Agent received, and the Deputy Municipal Clerk witnessed, the receipt of two proposals for said professional services on November 13, 2015; and

WHEREAS, the Evaluation Committee, designated to review proposals and make a recommendation, has completed the review process and included herein an Evaluation Report detailing their review and recommendation; and

WHEREAS, the Evaluation Committee recommends the award of contract PRO16005 to Michael Policastro, Esq. to serve as Public Defender for 2016; and

WHEREAS, it is in the best interest of the Township of North Brunswick to enter into an agreement with Michael Policastro, Esq. (104 South Main Street, Milltown, New Jersey 08850) to serve in the position as Public Defender for calendar year 2016; and

WHEREAS, compensation for these services shall be paid at a rate of \$200.00 per session, for regular and special sessions as scheduled by the Court Administrator, \$50.00 per Court Administration approved consultation, and reimbursable expenses in an amended amount not to exceed \$25,000.00 for calendar year 2016; and

WHEREAS, the Chief Financial Officer has certified that \$13,500.00 is available for this purpose in trust account D-33-56-850-006-002, \$2,000.00 is available for this purpose in account 6-01-43-495-000-181 for services ending June 30, 2016 and the balance of funds shall be certified upon the appropriation of funds in FY 2017.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of January, 2016, that the Township Council of the Township of North Brunswick does hereby authorize the Mayor to execute and the Township Clerk to witness an agreement with Michael Policastro, Esq. to perform the duties as Public Defender in the North Brunswick Municipal Court with an authorization not to exceed \$25,000.00 for calendar year 2016.

BE IT FURTHER RESOLVED notice of this action shall be published in the Home News & Tribune as required by law within 10 (ten) days after its passage.

CERTIFICATION

I, Kala Sriranganathan, Chief Financial Officer, certify that \$13,500.00 is available for this purpose in trust account D-33-56-850-006-002, \$2,000.00 is available for this purpose in account 6-01-43-495-000-181 for services ending June 30, 2016 and the balance of funds shall be certified upon the appropriation of funds in FY 2017. Contract PRO16005



Kala Sriranganathan
Chief Financial Officer



TOWNSHIP OF NORTH BRUNSWICK

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Evaluation Report
Public Defender - Request for Proposal
December 29, 2015

As part of its annual award of professional service agreements in accordance with "Fair and Open" procurement process established in the State of New Jersey pursuant to N.J.S.A. 19:44A-20.1 et seq., North Brunswick Township solicited Requests for Proposals (RFP) for Public Defender for calendar year 2016.

On October 5, 2015, the Township Council passed resolution 267-10.15 authorizing the solicitation of proposals for this service. The process under a formal RFP allows for factors other than price to be taken into consideration when awarding a contract. This process also requires that a committee be established to evaluate proposals in accordance with "weighted" criteria established prior to solicitation of proposals.

Pursuant to N.J.A.C 5:34-4.3, the Township established a three (3) person committee comprised of the following individuals:

Robert Lombard, Business Administrator
Ken McCormick, Director of Public Safety
Justine Progebin, Assistant Business Administrator

Prior to the committee's first meeting, each committee member assessed their own affiliations and financial interest, as well as the affiliations and financial interests of family members, to ensure that there was no conflict of interest with potential vendors. Each member signed a statement attesting to the fact that there was no conflict of interest.

The committee reviewed and discussed the Request for Proposal and alternative evaluation criteria. The committee agreed to the criteria to be evaluated and the numerical weighting to be assigned to each. The established weighting criterion was as follows:

1. Respondent's understanding and prior experience with Township – 30 points
2. Experience and Qualifications of Individuals or Team – 20 points
3. Respondents overall company history and experience – 30 points
4. Pricing Model – 20 points

Two proposals were received by the submission deadline of November 13, 2015:

Eric M. Bernstein & Associates, LLC
34 Mountain Blvd. Bldg. A
Warren, N.J. 07059

Michael Policastro
104 So. Main Street
Milltown, N.J. 08850

Michael Policastro has served as the Public Defender for the North Brunswick Municipal Court for several years now. He received high scores in all areas. Evaluators ranked his experience high based on past performance in the Municipality's Court. His total score was 275 out of a possible 300. Eric M. Bernstein & Associates, LLC, while a qualified firm, scored 215. The committee therefore recommends the award of contract PRO16005 to Michael Policastro for submitting a proposal that is responsive to the Township's needs and in accordance with the pre-established weighting criteria.